

**Proposed Changes to Local Rules  
Effective July 1, 2009**

**Please submit any comments in writing to Superior Court, County of San Luis Obispo, Attn: Jan Michael, 1035 Palm Street, Room 385, San Luis Obispo, CA 93408 by the Monday, April 2009 Deadline.**

**RULE 2.06**

**COURT EMPLOYMENT CONFLICT OF INTEREST CODE**

**(a) Adoption of Code**

This rule must constitute the Court's Conflict of Interest Code as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.

This court also in adopting the court personnel rules and procedures adopts the conflict of interest provisions set forth in those rules.

**(b) Place of Filing Statements of Economic Interest**

Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the County Clerk Human Resources Department of the Superior Court of California, County of San Luis Obispo ~~County~~.

**(c) Appendices to the Standard Code**

The Court adopts the following appendices to the Standard Code. (Amended 7/1/0209)

**RULE 7.111**

**TENTATIVE RULINGS**

Prior to the day of the hearing, any civil department may issue a tentative ruling on any law and motion matter, in the sole discretion of the assigned judge. If a tentative ruling is issued prior to the day of the hearing it will be issued in conformance with the tentative ruling procedures set forth in California Rules of Court, rule 3.1308(a)(2). The tentative ruling, if any, will be available at the court's website no later than 4:00 PM the day prior to the hearing.

This rule does not preclude posting a tentative ruling the day of the hearing pursuant to CRC Rule 3.1308(b), nor does it mandate a tentative ruling be issued on all law and motion matters. [Effective 7/1/09]

## **RULE 10.03**

### **CALENDARING CRIMINAL PROCEEDINGS**

#### **(a) Location of Arraignment**

##### **(1) In-Custody**

The initial court appearance or arraignment for defendants who are in custody in the County Jail will be held at the San Luis Obispo Court location.

##### **(2) Out-of-Custody**

The initial court appearance or arraignment for defendants who are not in custody at the county jail and are charged with a felony offense, must be arraigned at the San Luis Obispo Court location. The initial court appearance or arraignment for defendants who are not in custody and are charged with a misdemeanor offense or a non-traffic infraction that was committed in the jury district of Paso Robles or the jury district of San Luis Obispo must be arraigned at the San Luis Obispo Court location. The initial court appearance or arraignment for defendants who are not in custody and are charged with a misdemeanor offense or a non-traffic infraction that was committed in the jury district of Grover Beach, must be arraigned at the Grover Beach Court location.

##### **(3) Felony Cases**

All defendants charged with a felony offense regardless of where the offense occurred must be arraigned at the San Luis Obispo Court location. Felonies on entry of a plea of not guilty will be set for a preliminary hearing. This hearing will be set within 8 to 10 court days of the entry of plea if the defendant is in custody and within 14 to 16 court days if he or she is not.

#### **(b) Date of Arraignment**

(1) Arresting agencies releasing persons prior to an arraignment calendar hearing must fix the date of the appearance of the person arrested in the proper location of this Court at a regularly scheduled arraignment calendar not more than two weeks for felony defendants and ~~four weeks~~ 30 days (or closest court day not to exceed 32 days due to holidays or weekends) for all other defendants from the date of such release. If a further appearance date has been set by the Court then the date of appearance fixed by the law enforcement agency must be that date.

(2) Whenever an arresting agency releases a defendant and sets a court appearance date it must notify the clerk of the court in which the defendant is to appear.

#### **(c) Multiple Cases**

##### **(1) Felony Defendants:**

###### **(A) Probation Violations**

If a defendant is charged with a felony offense, all pending misdemeanor probation violations will be transferred to the San Luis Obispo Branch where the felony case is pending. If a defendant is released upon posting bail on a warrant issued for a misdemeanor probation violation and a felony is pending, the defendant will be directed to appear in the San Luis Obispo Branch on all of these cases.

###### **(B) Pending Misdemeanor Cases**

If a defendant in custody is charged with a felony offense and a separate misdemeanor offense, all pending misdemeanor cases will be transferred to the San Luis Obispo Branch. The defendant will appear in this branch on all these cases.

##### **(2) Misdemeanor Defendants**

When a misdemeanor defendant is in custody, the defendant will be arraigned on all pending cases in the San Luis Obispo Branch. However, should the defendant be released on bail or citation prior to the appearance the defendant will be directed to appear in the branch from which the warrant was issued or in which the case is pending.

(Amended 7/1/~~02~~09)

## **RULE 10.15**

### **COUNTER ARRAIGNMENTS**

#### **(a) Counter Arraignment Defined**

A counter arraignment is a procedure whereby a defendant charged with violations of law may offer a plea of guilty at the office of the clerk without the necessity of appearance in court. When an appropriate waiver of rights form has been executed by defendant and approved by a judge or commissioner of the court, it is a judgment of the court.

#### **(b) Charges Eligible for Counter Arraignment**

Any infraction or misdemeanor charge whereby an appearance is not mandatory is eligible for a counter arraignment.

#### **(c) Bail and Fine**

The fine imposed after a counter arraignment must be equal to the bail as set in the bail schedule.

#### **(d) Delayed Payments and Work Service**

Upon entering a guilty plea and paying mandatory fees, the balance of the fine will be deferred. The balance of the fine may be satisfied in whole or in part by performing community service at a rate of \$10 for every hour worked.

- (1) Fines less than \$300.00 must have a due date 13 weeks from the date of counter arraignment,
- (2) Fines of \$300.00 or more shall be given a due date of 26 weeks in the future that allows for \$100 per month payments (i.e., \$900 fine = 9 months) from the date of counter arraignment.

#### **(e) Responsibility for Community Service**

A person choosing to perform community service as full or partial satisfaction of a fine must make their own arrangements through the San Luis Obispo County Probation Department one of the following agencies: Pucciarelli Consulting, the City of San Luis Obispo or ECOSLO Environmental Center.

#### **(f) Pay or Reappear Sentence**

The sentence for infractions must require the payment of the fine or the return to court by the due date. Failure to pay or reappear must result in an additional charge pursuant to Penal Code §853.7, increased bail and issuance of a bench warrant.

#### **(g) Pay or Serve Sentence**

The sentence for misdemeanor violations must be imposed pursuant to Penal Code §1205 and require the defendant to pay the fine by the due date or serve the sentence at the rate of \$50.00 per day. (Amended 1/1/0809)

## **RULE 27.01**

### **JURY INSTRUCTIONS**

#### **(a) Proposed Pattern of Jury Instructions**

In jury trials the instruction forms contained in the most recent editions of "California Approved Civil Instructions" (CACI) and "California Jury Instructions-Criminal" (CALJIC) should be used when applicable. Due consideration will be given to proposed instructions drafted or submitted by attorneys as well as the CACI and CALJIC forms. (Amended 1/1/05)

Not later than one day after the jury is selected, counsel must meet and confer, face-to-face unless excused by the trial judge. They must separate the proposed jury instructions so as to eliminate redundancy. The proposed instructions must then be separated into two groups. The first group of instructions must consist of those that all parties agree can be given by the court as drafted. The second must consist of those proposed instructions about which counsel disagree and wish to have a court ruling before submission to the jury.

The parties or their counsel must then meet and confer with the court in chambers to discuss the proposed instructions. The court may give indicated rulings which may subsequently be put on the record.

The court will assign responsibility for preparing "clean" copies of the instructions to be given by the court for delivery to the jury in the jury room. Those "clean" instructions must not indicate which party submitted the proposed instruction nor must they replicate the source of the text, the citation of authority, if any, or the judge's signature.

#### **b) Instructions to be Completed**

It must be the duty and responsibility of counsel proposing a pattern instruction to complete all blanks contained in it necessary for the purpose of the instruction. Failure to do so must be deemed by the court as sufficient cause to refuse the proposed instruction.

#### **(c) Additional Instructions Drafted by Counsel**

Counsel may draft and submit additional proposed instructions. Each must be numbered in consecutive order and indicate the party upon whose behalf it is requested. Failure to cite on any such instruction the authorities relied upon to support giving it must be deemed by the court as sufficient cause to refuse the proposed instruction.

#### **(d) Method of Filing Proposed Instructions with Trial Judge**

In all jury trials, counsel must present to the court a document setting forth in the usual manner the title of the court, title and number of the action, and title of the document, namely, "Instructions requested by \_\_\_\_." A copy of the document must be served upon each of the other counsel in the case. The document must list by number the CACI and/or CALJIC instructions requested by counsel and counsel must attach to the original the (1) instructions so requested that are in print and available; and if such instructions are modified, by the completion of blanks, the deletion of bracketed material, or in any other manner made complete; (2) if the instructions so requested are not locally available, it will be counsel's responsibility to type such instructions; and (3) the additional instructions, if any, as provided in paragraph (c) above.

#### **(e) Time for Delivery of Proposed Instructions to Court**

~~Jury instructions requested by a party must be filed two court days before the date scheduled for trial. See CCP 607(a). Counsel are encouraged to file requested jury instructions and verdict forms at least two court days before the date scheduled for trial.~~

(Amended 4/1/05/1/09)

## **RULE 27.02**

### **PRETRIAL PROCEDURES AND REQUIREMENTS**

(a) The following documents and things must be filed 25 court days before the date scheduled for trial:

- (1) A brief statement of the case and the issues to be determined by trial;
- (2) The estimated time required for the trial;
- (3) Stipulated facts or admissions of the parties;
- (4) Any special voir dire questions or requests;
- (5) A witness list;
- (6) Motions in limine; and
- (7) A statement of any unusual evidentiary or legal issues; ~~and~~
- ~~(8) Jury instructions and verdict forms~~

(b) The court may require the parties to attend a Trial Management Conference to discuss voir dire, the timing of the trial, presentation of evidence, exhibits, and witnesses or parties with special needs. (Amended 7/1/019)

## **RULE 27.03**

### **MOTIONS IN LIMINE, CIVIL JURY TRIALS**

In civil jury trials, counsel must make any In Limine motions as follows:

(1) The motion to be filed and served by FAX, express mail or personal service, not later than twofive court days before the first calendar call of the case.

(2) Motion must include:

(a) Counsel's best estimate of the time that will be required to properly hear and dispose of the motion(s).

(b) The general subject(s) of the motion(s) together with points and/or authorities.

~~(c) A proposed order.~~ (Amended 7/1/039)